

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

Eastern District of Oklahoma



____ Civil ____ Division

Ryan Vanwinkle, as Next Friend of E.V. a minor Child
plaintiff, and J.V. a minor child Plaintiff

Case No.

CIV 23 - 036 - RAW

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint.
If the names of all the plaintiffs cannot fit in the space above,
please write "see attached" in the space and attach an additional
page with the full list of names.)

-v-

State of OKLAHOMA EX REL, the Oklahoma
Department of Human Services, et. al Defendants

Defendant(s)

(Write the full name of each defendant who is being sued. If the
names of all the defendants cannot fit in the space above, please
write "see attached" in the space and attach an additional page
with the full list of names.)Jury Trial: (check one) ☒ Yes ☐ No

FILED

JAN 27 2023

BONNIE HACKLER
Clerk, U.S. District CourtBy _____
Deputy Clerk

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Ryan Vanwinkle., E.V., J.V.
Street Address	14028 South 293rd East Ave
City and County	Coweta in Wagoner County
State and Zip Code	Oklahoma 74429
Telephone Number	(918) 815-9556
E-mail Address	ryan@epicdad.org

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name	Oklahoma Department of Human Services
Job or Title <i>(if known)</i>	
Street Address	2409 N Kelley Ave
City and County	Oklahoma City in Oklahoma County
State and Zip Code	Oklahoma
Telephone Number	(405) 522-5818
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	Wagoneer/Cherokee County Oklahoma Department of Human Serv
Job or Title <i>(if known)</i>	
Street Address	102 NE 7th St.
City and County	Wagoner in Wagoner County
State and Zip Code	Oklahoma 74467
Telephone Number	(918) 614-5000
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	Kay County Oklahoma Department of Human Services
Job or Title <i>(if known)</i>	
Street Address	801 W Grand Ave
City and County	Ponca City, in Kay County
State and Zip Code	Oklahoma 74601
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	Tulsa County Oklahoma Department of Human Services
Job or Title <i>(if known)</i>	
Street Address	201 West 5th St
City and County	Tulsa in Tulsa County
State and Zip Code	Oklahoma 74103
Telephone Number	(918) 581-2401
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Section 242 of Title 18, 4th Amendment, 14th amendment, 42 U.S.C. § 1983, The 6th Amendment, The Crime Victims' Rights Act of 2004, Title 18 USC 3771

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Ryan Vanwinkle, E.V., J.V., is a citizen of the
State of *(name)* Oklahoma.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) Oklahoma Department of Human Services, is incorporated under the laws of the State of (name) Oklahoma, and has its principal place of business in the State of (name) Oklahoma.
Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) Oklahoma.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Ryan Vanwinkle has sole complete emergency custody of E.V. and J.V. OKDHS was aware of the location and whereabouts during a wrongful withholding by Talia Vanwinkle who was convicted of causing injuries to E.V. OKDHS failed to notify Ryan of proceedings. OKDHS forced on its own behalf against the court order in Wagoner County and refused to return E.V. and J.V. to Ryan. OKDHS refused to give the whereabouts of the location of E.V. and J.V. This caused much trauma for E.V. and J.V. and anxiety for Ryan. OKDHS Employees told Ponca City Police to not allow Ryan to leave with E.V. or J.V. Judge Douglas Kirkley to the Oklahoma Supreme Court stated in 2022 Ryan has Emergency Custody. The Supreme Court Confirmed. Kay County Judge Brock agreed and ruled the children were wrongfully withheld from Ryan Vanwinkle and ordered the return.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

OKDHS has caused severe ongoing trauma and has failed to protect the children from abuse and neglect of Talia Vanwinkle. OKDHS failed to notify Ryan of Court dates. OKDHS caused much unnecessary anxiety for Ryan. OKDHS refusal to obey court orders caused much wasted time and money. The Plaintiffs request \$1.00 in damages and further request from the court an emergency temporary ex parte Restraining Order freeing the plaintiffs from retaliation and actions from the outcome, cause, or bringing of this case before the Court.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 01/27/2023

Signature of Plaintiff

Printed Name of Plaintiff


Ryan Vanwinkle

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address